

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Mar 23, 2023**

SEAN F. MCAVOY, CLERK

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON**

DANIELLE W.,<sup>1</sup>

Plaintiff,

v.

KILOLO KIJAKAZI, ACTING  
COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

No. 1:22-cv-03092-MKD

**ORDER GRANTING  
STIPULATED MOTION FOR  
REMAND PURSUANT TO  
SENTENCE FOUR OF 42 U.S.C. §  
405(g) AND CLOSING FILE**

**ECF Nos. 8, 15**

Before the Court is the parties' Stipulated Motion for Remand, ECF No. 15, requesting remand of the above-captioned matter to the Commissioner for additional administrative proceeding pursuant to sentence four of 42 U.S.C. § 405(g). Attorney D. James Tree represents Plaintiff. Attorney Jacob Phillips represents Defendant.

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<sup>1</sup> To protect the privacy of plaintiffs in social security cases, the undersigned identifies them by only their first names and the initial of their last names. *See* LCivR 5.2(c).

1 After consideration, **IT IS HEREBY ORDERED** that:

2 1. The parties' Stipulated Motion for Remand, **ECF No. 15**, is **GRANTED**.

3 2. The above-captioned case be **REVERSED** and **REMANDED** to the  
4 Commissioner of Social Security for further administrative proceeding pursuant to  
5 sentence four of 42 U.S.C. § 405(g).

6 The parties have stipulated to the following:

7 On remand, the Appeals Council will instruct a different ALJ to:

- 8 • Offer Plaintiff the opportunity for a new hearing and further develop  
9 the record;
- 10 • Reevaluate the medical opinion evidence;
- 11 • Reevaluate Plaintiff's symptom claims;
- 12 • Reevaluate Plaintiff's residual functional capacity;
- 13 • Reevaluate the remainder of the sequential evaluation and obtain  
14 vocational expert testimony if necessary; and
- 15 • Issue a new decision.

16 *See* ECF No. 15 at 1-2.

17 3. Judgment shall be entered for **PLAINTIFF**.

18 4. Plaintiff's Motion for Summary Judgment, **ECF No. 8**, is **STRICKEN**  
19 **AS MOOT**.

1           5. Upon proper presentation, this Court will consider Plaintiff's application  
2 for fees and expenses under the Equal Access to Justice Act, 28 U.S.C. § 2412(d).

3           The District Court Executive is directed to enter this Order, **enter**  
4 **Judgment**, forward copies to counsel, and **CLOSE THE FILE**.

5           DATED March 23, 2023.

6                               s/Mary K. Dimke  
7                               MARY K. DIMKE  
8                               UNITED STATES DISTRICT JUDGE  
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